

name of James Jones, the former Supreme Allied Commander in Europe, said:

I would close the prison tomorrow. I would do it immediately. Just the images alone have hurt our national reputation. I don't know how you fix that without closing it.

I agree with him. I don't know how you begin to fix the damage brought by Guantanamo without closing it. A military commissions bill couldn't do it. We can't do it, and that is the fact.

Former Secretary of State Colin Powell said it succinctly:

I would close it not tomorrow, but this afternoon.

But importantly, the sense of conscience, as well as a measure of the international reaction to Guantanamo, came in a statement by Archbishop Desmond Tutu. Here is what he said:

I never imagined I would live to see the day when the United States and its satellites would use precisely the same arguments that the apartheid government used for detention without trial. It is disgraceful.

In May of 2006, President Bush told German television:

I would very much like to end Guantanamo. I would very much like to get people to a court.

Earlier this year, Defense Secretary Bob Gates, new to his job, made clear that he also wanted Guantanamo closed. He said:

There is no question in my mind that Guantanamo and some of the abuses that have taken place in Iraq have negatively impacted the reputation of the United States.

He said that at the Munich Conference on Security Policy earlier this year. On February 27, following an Appropriations Committee meeting, I personally asked him what he thought, and he said, equally as succinctly as General Powell, that he thought it should be closed.

The following month Secretary Gates told the House Defense Appropriations Subcommittee that trials at Guantanamo would lack credibility in the eyes of the world. In March, Secretary of State Condoleezza Rice said:

The President has been very clear, and he is clear to us all the time. He would like to see it closed. We all would.

Well, then why is the Republican side preventing us from having a vote today or tomorrow or the next day that would say that Guantanamo should be closed within a year? How can the Secretary of Defense, the President of the United States, the Secretary of State make these comments that they want Guantanamo closed and the Republican side of the aisle prevent us from taking a vote in the Congress? I don't understand this.

Additional fallout from the Military Commissions Act is that it has stymied further trials under its auspices. Two military judges recently found that the detainees have been incorrectly classified as "enemy combatants" rather than as "unlawful enemy combatants." So that is another hitch in this. They have classified people wrongly so they can't be tried.

Recently, a lieutenant colonel, who was part of this process from an intelligence point of view, in an affidavit has stated that even this classification was based on vague and incomplete intelligence. Lieutenant Colonel Abraham also said tribunal members were pressured by their superiors to rule against detainees, often without specific evidence, and that military prosecutors were given "generic" material that did not hold up in the face of the most basic legal challenges.

Now, let me be clear: I have no sympathy for Taliban fighters, al-Qaida terrorists, or anyone else out to hurt the United States, or commit cowardly and despicable acts of terror. There is nothing in this amendment that puts terrorists back on the street. That is not the goal. Any argument that this amendment would harm national security is flat out false.

I believe what harms national security is sacrificing our Nation's values—which have made us rightly the greatest democracy in the world—by setting up a hybrid system of justice, by not following the Uniform Code of Military Justice, but by creating this hybrid system, which has failed court tests now and will quite possibly fail another one shortly.

Now, how do you stop all this? As long as you have this extraterritorial facility out there, without the light of day shining on it, you can't. Today, two of our colleagues are visiting Guantanamo. Unfortunately, I couldn't go with them. The last time I visited Guantanamo was with Secretary Rumsfeld, rather early on, and I suspect what they will find is a rather well-run, strong, staunch military prison. But that doesn't mean the justice that is dispensed there is correct if it is secondary justice, if it is sublevel justice, if there is limited right of appeal, if you don't have access to an attorney easily, if you can't see evidence against you.

One can say, well, Guantanamo is no Abu Ghraib, and I would most likely agree with that—today. There have been allegations of inappropriate behavior in terms of interrogation techniques, no question about that. I assume that is corrected now. But it still looms out there as a way the United States has of not allowing these prisoners to face justice. It is one thing if you are a terrorist; it is another thing if you are in the wrong place at the wrong time, if you are swept up, if you are put in either a cage or a cell at Guantanamo, and if you stay there year after year after year with no recourse. That is a stain on American justice. We criticize the Chinese for their form of administrative detention, and yet here we practice a similar thing.

We face a serious, long-term terrorist threat. It may well go on for the next 10 or even 20 years. We must track down, punish, and prosecute those who seek to hurt this country and hurt our people. At the same time, we need na-

tional policies that are both tough and smart, and this isn't smart. We will fight terror with vigor and drive and purpose, but we must not forget who we are. We are a nation of laws. We are a nation of value and tradition. These values have been admired throughout the decades all over the world.

The world has looked at Guantanamo and made the judgment that it is wrong. I think it is time for the Senate to do something about it. The Senate has borne the burden of Guantanamo for too long. The time has come to close it down. I appeal to the other side to allow the debate on the floor and to give us a unanimous consent time agreement so that there might be a vote in this body.

Mr. President, I yield the floor.

### IRAQ

Mr. ALLARD. Mr. President, I rise today reflecting on the most pressing issues on the minds of the American public—that of the current situation in Iraq. We have been in Iraq for nearly 4½ years, and frustration is certainly understandable. I wish nothing more than to see the United States reach a point where our soldiers and sailors and airmen and marines are able to leave and the Iraqi people can stand on their own. Our military has done an exceptional job. That point cannot be debated. But as so many have said, victory and ultimate success in Iraq cannot be completed solely through military strength.

I wish also to specifically point out the leadership of the ranking member of the Senate Armed Services Committee, Senator JOHN MCCAIN, on this issue. Having just returned from Iraq, his pointed remarks on our united efforts in Iraq and the importance of our mission are much needed.

Senator MCCAIN understands, as I do, that the terrorist threat in Iraq will not stop, nor will our safety improve at home if our forces leave. In their own words, these dangerous ideologues continue to make bold and alarming threats worldwide, but even more importantly, they are backing up their words with action. They will continue to strike our allies in the gulf and they will continue to strike our friends in Europe, and I believe they will not hesitate to strike America again, as they did on September 11.

That said, I am extremely disappointed that more progress has not been made on the political and domestic security from within Iraq. The fact remains, Iraq is simply not ready to take over their own country today, and if the United States were to leave, the consequences would be nothing short of catastrophic. Al-Qaida is training, operating, and carrying out their missions in Iraq right now. As evidenced in Britain 2 weeks ago, they are clearly still a threat and are still determined to accomplish their goals of destroying western culture. That much has not changed.

On July 12 the President issued a report as required by the fiscal year 2007 Supplemental Appropriations bill assessing the progress of the sovereign government of Iraq's performance in achieving the benchmarks detailed in the bill. As we know, this report told us that 8 of the 18 benchmarks detailed in that bill received satisfactory marks. While we are certainly disappointed that more benchmarks were not achieved, it is important to highlight the success that is being made, and how the Iraqi government is performing, as their success will ultimately allow us to responsibly reduce our troop levels.

Specifically, the government of Iraq has made progress in forming a Constitutional Review Committee to review the constitution. This is important, just like in our Nation's history; we needed to create a constitution that provided a standard for which to base our laws. Though many contentious issues continue to exist, I am pleased that significant progress is being made. If Iraq cannot form their constitution, then it will be very difficult or impossible to move forward onto other matters.

Also, the Iraqis have satisfied the requirements set forth to enact and implement legislation forming semi-autonomous regions. This law is set to come into effect in 18 months, but thus far this potentially very contentious issue has not received much attention. This is important as it further organizes and equips Iraq to take on the responsibilities of a democratic government and this benchmark furthers the necessary groundwork needed to build a responsible and legitimate government.

Iraq has made progress to ensure the rights of minor political parties within the legislature and maintain that their rights are protected. Clearly this is important in obtaining legitimacy, particularly given the historical and present conflicts between the Sunnis, Shia, and Kurds.

On the security front, the Iraqis, with coalition support, have successfully reached benchmarks establishing joint security stations across Baghdad that provide a continuous security presence. These stations are necessary as they can effectively combine American technology and capabilities with the Iraqi presence on the ground in order to counter insurgent threats where they begin. By mid-June, 32 joint security stations have reached initial operational capability and 36 combat outposts have reached initial or full capacity.

Also, the goal of providing three trained and ready Iraqi brigades in support of Baghdad operations has been achieved and this complements the recommendations of the Iraq Study Group. Certainly this is a major priority as the development of a functional and effective Iraqi fighting and security force is absolutely essential for the Iraqis to further take the reins

of their government, and I am pleased that these goals are being accomplished thus far.

At the beginning of this year, the President changed the focus of this effort. Decisions were made for a new direction. ADM William Fallon was placed in charge as CENTCOM commander and the Senate unanimously confirmed GEN David Petraeus as the new commander of our forces in Iraq. The much talked about, and much criticized, surge of 28,000 additional troops has only been underway for just about 3 weeks now.

Operation Phantom Thunder began on June 15 and already Iraq, and particularly Baghdad, is a much different place than it was only 6 months ago. U.S. forces have begun working closely with Iraqis to bring down sectarian violence of al-Qaida in country. So far the new counterinsurgency has decreased Shiite death squad activity and many militia leaders have been disposed of. Execution levels are at the lowest point in a year, and al-Qaida hotspots in the city are shrinking and becoming isolated from one another and supply lines are being cut around the city.

For the first time in years the U.S. is operating freely in eastern Baghdad as we are surrounding the villages and small towns around Baghdad routing out insurgent bases. Already, total car bombings and suicide attacks are down in May and June, and by the end of June, American troops controlled about 42 percent of the city's neighborhoods, up from 19 percent in April.

Initial military success certainly does not mean that operations are complete, nor is political victory guaranteed. The fact remains that this body unanimously confirmed GEN Petraeus with the knowledge that he planned to initiate this surge that would ideally route out al-Qaida and ultimately clear the path for internal change within Iraq. Again, the surge began on June 15 and we owe it to our troops who are placing their lives on the line not to pull the plug on them while they remain in harm's way.

Our best and brightest military minds have worked to construct this new strategy and we need to see it through. I would like to see our troops come home today, but the harsh reality remains that this is not a valid option, will not make us safer, and is not in our national interest. If we leave, it is naïve to think al-Qaida and our enemies will just go away and we will no longer be threatened.

Additionally, I have heard many of my colleagues discuss on the floor some of their new strategies in Iraq, strategies that I believe would weaken us at home and abroad. What I find curious is that they keep referring to finding a bipartisan resolution in Iraq, when only months ago this body overwhelmingly approved 2 new military commanders in the region and a new diplomatic leader in Ambassador Crocker. We also approved, in a bipar-

tisan manner, the new way forward in Iraq that President Bush eloquently defended this morning. In that vote, this body committed that we would allow the surge to go forward and would give GEN Petraeus the time to enact the strategy. I cannot in good conscience cut short a plan barely 3 months old.

As we all know, in September a complete review of Iraq policy, including a detailed assessment of the surge will be presented. I look forward to that assessment. I look forward to making the appropriate decisions based on that report. It would be disingenuous to simply discontinue the plans that our military leaders have planned and are putting into place simply for political gains.

Remarkably, the Senate is in a similar situation that we were only months ago when many in this body wanted to reject the strategy GEN Petraeus proposed in Iraq, even before he has been given the full opportunity to perform his mission. Well, we are at it again. For what reason did my colleagues agree to the new strategy in Iraq but are not willing to support our own self-imposed guidelines? I don't know the answer to that, but I do know that I will not. I will continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

Let's not stand here this week and prejudge what will come out of the September 15 report, but more importantly, let's not prejudge the talents of our men and women in Iraq. Let's give our military and diplomatic teams the time they deserve, and which we had promised them.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.